



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

JAMES TEAL,	§
Plaintiff,	§
	§
	§
vs.	§ CIVIL ACTION NO. 3:22-2345-MGL-PJG
	§
	§
STATE FARM MUTUAL AUTOMOBILE	§
INSURANCE COMPANY,	§
Defendant.	§

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND DISMISSING PLAINTIFF'S AMENDED COMPLAINT WITHOUT PREJUDICE**

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Plaintiff James Teal (Teal) filed this civil action against Defendant State Farm Mutual Automobile Insurance Company (State Farm). Teal is representing himself.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting to the Court Teal's amended complaint be dismissed without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 18, 2022, but Teal failed to file any objections to the Report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report to the extent it does not contradict this order, and incorporates it herein. Therefore, it is the judgment of the Court Teal’s amended complaint is **DISMISSED WITHOUT PREJUDICE**. Thus, State Farm’s motion to dismiss is necessarily **RENDERED AS MOOT**.

**IT IS SO ORDERED.**

Signed this 27th day of March, 2023, in Columbia, South Carolina.

/s/ Mary Geiger Lewis  
 MARY GEIGER LEWIS  
 UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to the Federal Rules of Appellate Procedure.